

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

U.S. BANK NATIONAL ASSOCIATION,
as Trustee, on behalf of the holders of the CSMC
Trust 2006-CF1 CS Mortgage Pass-Through
Certificates, Series 2006-CF1, through their loan
servicing agent Select Portfolio Servicing, Inc.,

Plaintiff,

Case No. 1:12-cv-01946-CL

v.

ORDER

BRUCE V. JACKSON; JEANETTE K. JACKSON;
BANK OF AMERICA, N.A.; CREDIT BUREAU
OF JOSEPHINE COUNTY; CITIBANK SOUTH
DAKOTA NA; FIA CARD SERVICES NA;
CAPITAL ONE BANK (USA), N.A.; DISCOVER
BANK; EQUITABLE ASCENT FINANCIAL, LLC;
UNITED STATES OF AMERICA (INTERNAL
REVENUE SERVICE); CHASE BANK USA, NA;
LVNV FUNDING LLC; OCCUPANTS OF THE
PROPERTY,

Defendants.

PANNER, District Judge.

Plaintiff U.S Bank National Association initiated this judicial foreclosure action in the Josephine County Circuit Court in Josephine County, Oregon. Defendants Bruce V. Jackson and

Jeanette K. Jackson, proceeding pro se, removed this action to federal district court on October 31, 2012. The court *sua sponte* determines removal is improper and orders the action remanded.

ANALYSIS

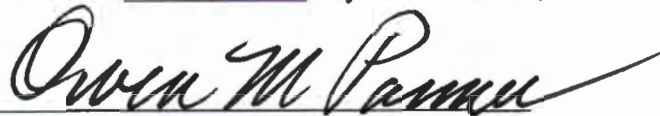
A federal district court must remand a removed case to state court “if there is any doubt as to the right of removal in the first instance.” Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992). Generally, removal jurisdiction is coextensive with original diversity or federal question jurisdiction. City of Chicago v. Int’l College of Surgeons, 522 U.S. 156, 163 (1997). However, state court cases cannot be removed on the basis of diversity if any defendant properly joined and served is a citizen of the state in which the action is brought. 28 U.S.C. § 1441(b)(2).

Defendants are citizens of Oregon. Dkt. No. 1 at 3:12. Defendants’ notice of removal asserts that this court has removal jurisdiction because “diversity of citizenship exists between the parties required in this action and who will appear, and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.” Dkt. No. 1 at 2:10. Defendants do not allege another basis for removal, and plaintiff’s complaint is not based upon any federal statute. Because defendants are citizens of the same state in which the action is brought and only allege federal jurisdiction on the basis of diversity, defendants’ removal of this case was improper.

CONCLUSION

For the foregoing reasons, the case is remanded to the Josephine County Circuit Court.
IT IS SO ORDERED.

DATED this 1 day of November, 2012.



OWEN M. PANNER
United States District Judge